

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;)	CIVIL NO. CV03-00385 SOM-LEK
)	(Copyright)
Plaintiff,)	
)	DECLARATION OF THOMAS H. YEE
vs.)	
)	
HAWAIIAN EXPRESS SERVICE,)	
INC., et al.,)	
)	
Defendants.)	
)	
)	

DECLARATION OF THOMAS H. YEE

I, THOMAS H. YEE, under penalty of perjury, state as follows:

1. I am an attorney licensed to practice law before all of the State and Federal Courts in the State of Hawaii and am one of the attorneys representing Defendants C&S LOGISTICS OF HAWAII, LLC, C&S WHOLESALE GROCERS, INC., C&S ACQUISITIONS LLC; ES3, LLC, and RICHARD COHEN (collectively, "C&S"), in this case.

2. Attached hereto as Exhibit "A" is a true and correct copy of the Affidavit of Mark Dillon, filed on September 13, 2004, as received by my office.

I declare under penalty of perjury that the statements made herein are

true and correct to the best of my knowledge, information and belief.

DATED: Honolulu, Hawaii, January 12, 2006.

/s/ Thomas H. Yee

THOMAS H. YEE